



Legislation Text

File #: ORD. 2019-206, **Version:** 1

To amend and reordain Ord. No. 2018-012, adopted Feb. 12, 2018, which authorized the special use of the property known as 10 West Leigh Street for the purpose of permitting a multifamily dwelling with up to 14 dwelling units, to modify the parking requirements for 10 West Leigh Street, and to except the properties known as 12 West Leigh Street and 14½ West Leigh Street from certain lot area and width and open space requirements, upon certain terms and conditions.

I. That Ordinance No 2018-012, adopted February 12, 2018, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the ~~[property]~~ properties known as 10 West Leigh Street, 12 West Leigh Street, and 14½ West Leigh Street, which ~~[is]~~ are situated in a R-63 Multifamily Urban Residential District, desires to use such ~~[property]~~ properties for the purpose of a multifamily dwelling with up to 14 dwelling units and associated parking, which use, among other things, is not currently allowed by sections 30-310, concerning required yard, area or space for a use or structure to be used for any other use or structure, 30-419.5(5), concerning lot area and width requirements, and 30-419.7, concerning the usable open space requirement, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air;

and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the ~~[property]~~ properties known as 10 West Leigh Street, 12 West Leigh Street, and 14½ West Leigh Street, and identified as Tax Parcel ~~[No.]~~ Nos. N000-0104/033, N000-0104/034, and N000-0104/035, respectively, in the ~~[2018]~~ 2019 records of the City Assessor, being more particularly described in a survey entitled “Survey and Plat of the Property Known as #10 W. Leigh Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, dated September 16, 2016, and provided as an inset on sheet CS01 of the plans entitled “10WL Renovation,” prepared by Ratio, PC, dated June 29, 2017, and last revised December 5, 2017, ~~[a copy]~~ a survey entitled

“Survey Plat Showing Existing Improvements to #12 West Leigh Street, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated November 28, 2017, and a survey entitled “Survey Plat Showing Existing Improvements to #14½ West Leigh Street, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated December 13, 2017, copies of which [is] are attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a multifamily dwelling with up to 14 dwelling units and to satisfy certain parking requirements for the property known as 10 West Leigh Street and identified as Tax Parcel No. N000-0104/033 in the 2019 records of the City Assessor, which currently is not allowed by sections 30-310, concerning required yard, area or space for a use or structure to be used for any other use or structure, 30-419.5(5), concerning lot area and width requirements, and 30-419.7, concerning the usable open space requirement, of the Code of the City of Richmond (2015), as amended, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “10WL Renovation,” prepared by Ratio, PC, dated June 29, 2017, and last revised December 5, 2017, copies of which are attached to and made a part of Ordinance No. 2018-012, adopted February 12, 2018, and on the plans entitled “Parking Plan,” prepared by Ratio Architects, and dated October 24, 2018, copies of which are attached to and made a part of this ordinance, hereinafter referred to collectively as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of ~~[the Property]~~ 10 West Leigh Street shall be a multifamily dwelling with up

to 14 dwelling units, substantially as shown on the Plans.

(b) No fewer than [~~eight~~] 10 off-street parking spaces shall be provided for the Special Use, some or all of which may be located at 12 West Leigh Street and 14½ West Leigh Street, substantially as shown on the Plans, or within [500] 300 feet of the Property, either or both.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) All building materials and elevations shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit for [~~the Property~~] 10 West Leigh Street.

(e) Secure storage for no fewer than ten bicycles shall be provided [~~on the Property~~] for 10 West Leigh Street.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond

(2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the public right-of-way substantially as shown on the Plans, including the repair of the existing sidewalk in front of the building, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly

indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

O & R Request

DATE: June 24, 2019

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: To amend and reordain Ord. No. 2018-012, adopted February 12, 2018, which authorized the special use of the property known as 10 West Leigh Street for the purpose of permitting a multifamily dwelling with up to 14 dwelling units, upon certain terms and conditions, to modify the parking requirements for the properties known as 10 West Leigh Street, 12 West Leigh Street, and 14 ½ West Leigh Street.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2018-012, adopted February 12, 2018, which authorized the special use of the property known as 10 West Leigh Street for the purpose of permitting a multifamily dwelling with up to 14 dwelling units, upon certain terms and conditions, to modify the parking requirements for the properties known as 10 West Leigh Street, 12 West Leigh Street, and 14 ½ West Leigh Street.

REASON: The applicant has proposed an amendment to the current Special Use Permit (Ord. No. 2018-012) for 10 West Leigh Street, to modify the parking requirement and to include the adjacent parcels to the west, known as 12 West Leigh Street and 14 ½ West Leigh Street. The amended special use permit would establish the requirement that 10 off-street parking spaces would be provided for use by the residential dwelling units located at 10 West Leigh Street, 12 West Leigh Street, and 14 ½ West Leigh Street. The parking spaces would be provided to the rear of 12 West Leigh Street and 14 ½ West Leigh Street and/or within 300 feet of the properties.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its September 3, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: 10 West Leigh Street consists of a 5,412 SF (.12 acre) parcel of land improved with a three-story building constructed, according to tax assessment records, in 1920. 12 West Leigh Street consists of a 4,070 SF (.093 acre) parcel of land improved with a two-story building. 14 ½ West Leigh Street consists of a 3,428 SF (.079 acre) parcel of land improved with a two-story building constructed. The parcels are located in the Downtown Planning District and the Jackson Ward neighborhood. The property is also located within the Jackson Ward City Old & Historic District and the Arts District Station Area of the Pulse Corridor Plan.

The City of Richmond’s adopted Pulse Corridor Plan designates a land use category for the subject property as NMU (Neighborhood Mixed Use). “Neighborhood Mixed use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed use districts. They are an urban, walkable environment with limited neighborhood oriented uses incorporated along key commercial corridors and at corner sites.” (City of Richmond, Pulse Corridor Plan, p. 29)

The properties is currently zoned R-63 Multi-Family Urban Residential, as are surrounding parcels. A mix of commercial, residential, office, and institutional land uses are present in the area.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 22, 2019

CITY COUNCIL PUBLIC HEARING DATE: September 9, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, September 3, 2019

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amendment of Ord. No. 2018-012

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant’s Report, Draft Ordinance, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration 804-646-5734

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: